

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**DIANNE LINN, INDIVIDUALLY, AND
AS WRONGFUL DEATH BENEFICIARY
& EXECUTRIX OF THE ESTATE OF
DECEDENT, JOHN DAVID LINN, AND
AMY LINN, INDIVIDUALLY,**

PLAINTIFFS,

VS.

CIVIL ACTION NO. 1:04CV181-P-D

**UNITED STATES OF AMERICA,
SUNBELT BUILDERS, INC.; CROSS
ELECTRICAL SERVICE, LLC; AND
VICTAULIC COMPANY OF AMERICA,**

DEFENDANTS.

ORDER

In accordance with a Memorandum Opinion issued this day, **IT IS ORDERED AND
ADJUDGED** that:

- (1) The United States of America's Motion to Dismiss or, in the Alternative, for Summary Judgment [38-1] should be denied in part and granted in part; specifically,
- (2) The United States of America's motion to dismiss under Fed. R. Civ. P. 12(b)(1) should be denied; and
- (3) The United States of America's motion for summary judgment should be granted; thus,
- (4) The plaintiffs' claims against the United States of America are hereby **DISMISSED WITH PREJUDICE.**

SO ORDERED this the 8th day of August, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE